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**VIA ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
United States District Court, Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: **Murphy v. Petsmart, Inc.**  
**Case No.: 1:19-cv-09922-VEC**

**MEMO ENDORSED**

Dear Judge Caproni,

The undersigned represents James Murphy, on behalf of himself and all other persons similarly situated ("Plaintiff"), in the above-referenced action against Petsmart, Inc., ("Defendant"). We write, with Defendant's consent, to respectfully request a stay of the proceedings in this action, pending the ruling of the Second Circuit Court of Appeals' review of rulings on similar motions to dismiss.

By way of brief background, last month, courts in the Southern District of New York have granted motions to dismiss other gift card cases involving similar complaints. (*See Yovanny Dominguez v. Banana Republic, LLC, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-10171 (GHW)* ("Banana Republic"); *James Murphy v. Kohl's Department Stores, Inc., U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW)* ("Kohl's"). Plaintiffs in those cases exercised their right to appeal from those rulings, and the Second Circuit has recently ordered an expedited briefing schedule in certain of those cases, indicating some intention that the Second Circuit intends to address the same issues at the core of the pending motion to dismiss. Although we understand that the plaintiffs/appellants in those cases intend to ask the Second Circuit to consolidate those appeals and withdraw the expedited briefing schedules, the Second Circuit's intent to rule on these same issues is inevitable and possibly imminent.

As a result, Plaintiff seeks, with Defendant's consent, a comprehensive stay of the proceedings in this action pending the Second Circuit's rulings on the appeals. A stay would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Court of Appeals.

Thank you for your anticipated cooperation in this matter. Should the Court have any questions, please do not hesitate to contact the undersigned attorney.

Respectfully submitted,

/s/ Darryn G. Solotoff, Esq.

Darryn G. Solotoff, Esq.

cc: All counsel of record (via ECF)

Application GRANTED. The Clerk of Court is respectfully directed to stay the case and terminate all pending motions and deadlines.

The parties must file a status update on or before **January 8, 2021**, or within 21 days of the Second Circuit's decision, whichever is earlier.

SO ORDERED.

Date: 07/10/2020

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the printed name.

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE